

FILED-CLERK
U.S. DISTRICT COURT

2011 JUN 13 PM 4:05

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BY _____

David E Mack
Plaintiff

vs

MICHAEL J. SCOTT, P.C.
ADVANTAGE ASSETS II, INC
Michael J. Scott, SBN: 24000876
Jessica Eckstein, SBN: 24043624
Leonard Pruzansky
Timothy Feldman
John Doe(s) 1 thru 10
Defendants

Case No. 4:11cv348

Judge Schell

Trial by Jury Demanded

ORIGINAL COMPLAINT FOR VIOLATION
OF THE FDCPA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C § 1331.

PARTIES

2. The Plaintiff in this lawsuit is David E Mack, a natural person, who resides in Collin County, Texas.
3. The Defendants in this lawsuit are as follows:

- a. ADVANTAGE ASSETS II, INC. (hereinafter ADVANTAGE) is a junk debt buyer and debt collection firm based in Houston, Texas.
- b. MICHAEL J. SCOTT P.C. (hereinafter MJSPC) is a Law Firm located in Carrollton, Texas whose primary business is debt collection and litigation.
- c. Michael J. Scott SBN: 24000876 is an attorney and principal of MJSPC
- d. Jessica Eckstein SBN: 24043624 is an attorney employed by MJSPC.
- e. Leonard Pruzansky is CEO/CHAIRMAN of ADVANTAGE ASSETS II, INC.
- f. Timothy Feldman is President of ADVANTAGE ASSETS II, INC.

VENUE

- 4. The occurrences which give rise to this action occurred in Collin County, Texas and Plaintiff resides in Collin County.
- 5. Venue is proper in the Eastern District of Texas Sherman Division.

GENERAL ALLEGATIONS

- 6. Defendant MJSPC sent a collection notice to Plaintiff in or about August of 2009 on behalf of ADVANTAGE for a debt alleged to be owed to ADVANTAGE, account #6035320262994229.
- 7. Plaintiff sent a dispute and cease and desist from collection demand for validation of the alleged debt to MJSPC in a letter dated September 14, 2009

sent registered mail # RE360602859US which was received by MJSPC on September 21, 2009 signed for by B. Shelly.

8. Plaintiff also sent the same dispute dated September 14, 2009 directly to ADVANTAGE by registered mail #RE360602831US which was received and signed for on September 23, 2009 on USPS Form 3811.
9. Plaintiff did not receive any response for over a year to either demand to validate the alleged debt sent to MJSPC AND ADVANTAGE.
10. On December 24, 2010, *15 months after making demand for validation of the alleged debt to ADVANTAGE and MJSPC*, Plaintiff received a letter from MJSPC dated December 20, 2010 with what appeared to be a “**robo-signed**” document with the title “AFFIDAVIT OF ACCOUNT” enclosed.
11. The document entitled “AFFIDAVIT OF ACCOUNT” was allegedly signed by Leonard Pruzansky, a principal of ADVANTAGE, and made some vague statements as to the alleged source and amount of the debt alleged to be owed to ADVANTAGE with no other supporting documentation of any type.
12. Plaintiff has never before seen, and has no knowledge of, what an “AFFIDAVIT OF ACCOUNT” document is or what its purpose is.
13. Plaintiff notes that the “AFFIDAVIT OF ACCOUNT” document received from MJSPC does contain markings appearing to indicate it was produced in a

mass production “**robo-signing**” process including barcodes and a specific number on the document to assist with tracking.

COUNT I

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
(FDCPA) 15 U.S.C. § 1692g(B) BY DEFENDANTS ADVANTAGE,
MJSPC, Michael J. Scott, Jessica Eckstein, Leonard Pruzansky and
Timothy Feldman**

14. Paragraphs 1 through 13 are realleged as though fully set forth herein.
15. Plaintiff is a consumer within the meaning of the FDCPA § 1692a(3).
16. ADVANTAGE, MJSPC, Michael J. Scott, Jessica Eckstein, Leonard Pruzansky and Timothy Feldman are debt collectors within the meaning of the FDCPA § 1692a(6).
17. Plaintiff, as a consumer, received a letter from MJSPC dated December 20, 2010 stating they had done an investigation and “were resuming collection activity” on the debt alleged to be owed to ADVANTAGE by Plaintiff and enclosed was the aforementioned “AFFIDAVIT OF ACCOUNT”.
18. The letter received by Plaintiff from MJSPC stated “*PLEASE BE ADVISED THAT THE PURPOSE OF THIS LETTER IS TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE*” and was signed “Michael J. Scott/Jessica Eckstein”.

19. Defendants, as debt collectors, violated U.S.C. Title 15 § 1692g(B) by sending a collection notice to Plaintiff when a previous demand for validation and demand to cease and desist from collection activities sent to MJSPC **AND** ADVANTAGE had not been complied with as required under the FDCPA.

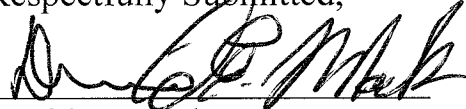
Wherefore, Plaintiff demands judgment for statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k(2)(A), attorney's fees, and costs against each and every Defendant.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: June 13, 2011

Respectfully Submitted,



David E. Mack

7720 McCallum Blvd. #2099

Dallas, Texas 75252

972-735-9642

Service to:

ADVANTAGE ASSETS II, INC.
7322 Southwest Freeway Suite 1600
Houston, Texas 77074

Leonary Pruzansky
7322 Southwest Freeway Suite 1600
Houston, Texas 77074

MICHAEL J. SCOTT, P.C.
1120 Metrocrest Drive
Carrollton, Texas 75006

Timothy Feldman
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